

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

10:00 AM

6:16-15900 Yesenia Campuzano

Chapter 7

#1.00 Reaffirmation Agreement filed 10/17/16 between Debtor and Foreman Financial Inc in the amount of \$9,690.70 Re: 2006 Lincoln Navigator
(SC Case)

EH__

Docket 17

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yesenia Campuzano

Pro Se

Trustee(s):

Helen R. Frazer (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

10:00 AM

6:16-18585 Brian Keith Nurge

Chapter 7

#2.00 Reaffirmation Agreement filed 11/7/16 Between Debtor and Wells Fargo Bank,
in the amount of \$3,747.32 Re: 2006 Mercedes C230
(SC Case)

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian Keith Nurge

Pro Se

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

10:00 AM

6:16-18231 Edward Martinez

Chapter 7

#3.00 Reaffirmation Agreement filed 10/26/16 between Debtor and Capital One Auto Finance in the amount of \$13,666.84 RE: 2005 Dodge Ram Truck 1500
(SC Case)

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Martinez

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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Wednesday, December 07, 2016

Hearing Room 303

10:00 AM

6:16-18317 Gabriel Andrew DiCola

Chapter 7

#4.00 Reaffirmation agreement filed 10/19/16 Between Debtor and CarMax Auto Finance in the amount of \$15,840.27 RE: 2012 Mitsubishi Lancer - VIN JA32V2FW1CU024448
(SC Case)

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Andrew DiCola

Represented By
Duane P Booth

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, December 07, 2016

Hearing Room 303

10:00 AM

6:16-16952 Breanne Annette Dyke

Chapter 7

#5.00 Reaffirmation Agreement Between Debtor and Santander Consumer USA Inc.,
dba Chrysler Capital re 2011 Dodge Durango

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Breanne Annette Dyke

Represented By
Daniel King

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
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Wednesday, December 07, 2016

Hearing Room 303

10:00 AM

6:16-18818 Henrico Guillermo Vidales and Guillermina Vidales

Chapter 7

#6.00 Reaffirmation Agreement Between Debtor and Santander Consumer USA Inc
Re: 09 Toyota RAV4

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henrico Guillermo Vidales

Represented By
Yolanda Flores-Burt

Joint Debtor(s):

Guillermina Vidales

Represented By
Yolanda Flores-Burt

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
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Wednesday, December 07, 2016

Hearing Room 303

11:00 AM

6:09-14033 Matthew Graham Mighell and Diana Marie Mighell

Chapter 7

#7.00 CONT Order to show cause why Daniel Brown, Attorney at Law, should not be held in Civil Contempt

From: 7/20/16, 9/28/16, 10/5/16, 11/16/16

EH__

Docket 167

***** VACATED *** REASON: CONTINUED TO 12/20/16 AT 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Matthew Graham Mighell

Represented By
Daniel G Brown
Richard A Brownstein
Christopher Hewitt

Joint Debtor(s):

Diana Marie Mighell

Represented By
Daniel G Brown
Richard A Brownstein
Christopher Hewitt

Trustee(s):

Helen R. Frazer (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, December 07, 2016

Hearing Room 303

11:00 AM

6:11-19779 Kay Russell

Chapter 7

#8.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 81

Tentative Ruling:

TENTATIVE RULING

12/07/2016

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 9352.42

Trustee Expenses: \$ 193.90

Attorney Fees: \$ 17,751

Attorney Costs: \$ 137.50

Accountant Fees: \$ 4354

Accountant Costs: \$ 199.05

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Kay Russell

Represented By
Tina H Trinh
Christina M Chan
Michael N Nicastro

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11:00 AM

CONT... Kay Russell

Chapter 7

Trustee(s):

Helen R. Frazer (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, December 07, 2016

Hearing Room 303

11:00 AM

6:13-11050 John J Kruze and Karen Ann Kruze

Chapter 7

#9.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 92

Tentative Ruling:

TENTATIVE RULING

12/07/2016

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 6478.20

Trustee Expenses: \$ 629.44

Attorney Fees: \$ 21959.60

Attorney Costs: \$ 1625.87

Accountant Fees: \$ 10253.50

Accountant Costs: \$ 12.43

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

John J Kruze

Represented By
Andy C Warsaw

Joint Debtor(s):

Karen Ann Kruze

Represented By

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CONT... John J Kruze and Karen Ann Kruze

Chapter 7

Andy C Warshaw

Trustee(s):

Larry D Simons (TR)

Represented By

Todd A Frealy

Larry D Simons (TR)

Lindsey L Smith

Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
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Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

11:00 AM

6:13-13557 Michael Sevilla Santos and Maricar Domingo Santos

Chapter 7

#10.00 Motion For Sale of Property of the Estate under Section 363(b) - No Fee

Also #11

EH__

Docket 81

Tentative Ruling:

12/07/2016

BACKGROUND

On February 28, 2013, Michael & Maricar Santos ("Debtors") filed a Chapter 7 voluntary petition. On April 17, 2013, a pro se reaffirmation agreement was filed between Debtors and Wescom Credit Union regarding real property located at 5689 Andover Way, Chino Hills, CA 91709 ("the Property"). Debtors received a discharge on June 17, 2013.

On December 3, 2015, Trustee filed an application to employ Neiman Realty as real estate broker. An order was entered granting that application on December 30, 2015. On February 24, 2016, Trustee filed a motion for turnover of property regarding the Property. On March 10, 2016, Debtors filed their opposition. The motion for turnover was granted and an order was entered on April 14, 2016. That order was appealed to the Bankruptcy Appellate Panel, and the appeal was dismissed on June 7, 2016. Trustee filed another motion for turnover relating to the property on September 27, 2016. Debtors filed a motion to convert case to Chapter 13 and an opposition to the second motion for turnover on October 4, 2016. Trustee filed his opposition to the motion to convert on October 12, 2016. On November 3, 2016, an order was entered granting the motion for turnover and providing the terms by which Debtors were to allow prospective buyers access to the Property.

On November 3, 2016, Trustee filed a motion for sale of property of the estate under §363(b).

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CONT... Michael Sevilla Santos and Maricar Domingo Santos

Chapter 7

DISCUSSION

11 U.S.C. § 363(b) (2010) provides that a trustee may use, sell, or lease property of the estate, outside the ordinary course of business, after notice and a hearing. "A bankruptcy court has discretion when ruling on a § 363(b) motion." *In re 240 North Brand Partners, Ltd.*, 200 B.R. 653, 656 (B.A.P. 9th Cir. 1996). The movant must demonstrate that the proposed sale has a "valid business justification" and is proposed "in good faith." *Id.* at 659 (citing *In re Wilde Horse Enters. Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal. 1991)); see also *In re Kellogg-Taxe*, 2014 WL 1016045 at *4 (Bankr. C.D. Cal. 2014) ("A bankruptcy court can authorize the sale of substantially all of the assets of the estate under § 363(b) upon a proper showing that the sale is in the best interests of the estate, that there is a sound business purpose for the sale, and that it was proposed in good faith.).

Here, Trustee has provided evidence that the Property was sufficiently marketed and that the purchase price is approximately equivalent to the fair market value of the property. Specifically, Trustee has provided a declaration estimating that the net sale proceeds from the sale of the Property will be approximately \$122,500 and that, therefore, the sale benefits the estate and satisfies the business judgment test. Furthermore, Trustee's declaration and the attached exhibits demonstrate that the property was listed on a variety of real estate websites beginning on July 25, 2016 for a listing price of \$545,000, indicating that the sale was an arms-length transaction that was proposed in good faith. Therefore, the Trustee has met his burden.

The Trustee further requests that Elizabeth Kanashiro ("Kanashiro") be found to be a good faith purchaser pursuant to 11 U.S.C. § 363(m). Section 363(m) states:

The reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale or lease under such authorization to an entity that purchased or leased such property in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and such sale or lease were stayed pending appeal.

"Absence of good faith is 'typically shown by fraud, collusion between the purchaser and other bidders of the trustee, or an attempt to take grossly unfair advantage of other bidders.' *In re Berkeley Delaware Court, LLC*, 834 F.3d 1036, 1041 (9th Cir. 2016) (quoting *In re Filtercorp. Inc.*, 163 F.3d 570, 577 (9th Cir. 1998)). A finding that the agreement was the product of an arms-length negotiation and entered into without

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CONT... Michael Sevilla Santos and Maricar Domingo Santos Chapter 7

collusion, in the absence of any opposition or conflicting evidence, is sufficient to support a good faith finding under § 363(m). *See id.* Therefore, the Court will find that Kanashiro is a good faith purchaser under § 363(m).

TENTATIVE RULING

Subject to discussion on the Debtors' motion to convert, and as to whether the proposed sale is to be free and clear pursuant to § 363(f), the Court is inclined to GRANT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michael Sevilla Santos

Represented By
Jeffrey B Smith

Joint Debtor(s):

Maricar Domingo Santos

Represented By
Jeffrey B Smith

Movant(s):

Larry D Simons (TR)

Represented By
Larry D Simons (TR)
Wesley H Avery

Trustee(s):

Larry D Simons (TR)

Represented By
Larry D Simons (TR)
Wesley H Avery

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6:13-13557 Michael Sevilla Santos and Maricar Domingo Santos

Chapter 7

#11.00 CONT Motion to Convert Case From Chapter 7 to 13

From: 11/9/16

Also #10

EH__

Docket 69

Tentative Ruling:

12/07/16

BACKGROUND

On February 28, 2013, Michael & Maricar Santos ("Debtors") filed a Chapter 7 voluntary petition. On June 17, 2013, Debtors received a standard discharge. The Chapter 7 case, however, remained open.

On October 4, 2016, Debtors filed a motion to convert case from Chapter 7 to 13. On October 12, 2016, Trustee filed his opposition. On November 2, 2016, Debtors filed a reply. A hearing on the matter was held on November 9, 2016. The hearing was continued to allow for additional briefing on the issue whether, and in what circumstances, a Chapter 7 case could be converted to a Chapter 13 post-discharge. Debtor filed their response on November 18, 2016. Trustee filed their response on November 29, 2016.

DISCUSSION

The preliminary question before the Court is whether, and under what circumstances, a Debtor can convert their Chapter 7 case to a Chapter 13 post-discharge. Debtors' brief appears to not contain any direct answer to this question; instead Debtors rely on analysis applicable to conversion whether the conversion sought is before or after discharge. In Section IV of his brief, Trustee addresses the specific issues that arise when a debtor has already received a Chapter 7 discharge.

No binding law has been identified with respect to this issue. It appears,

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CONT... Michael Sevilla Santos and Maricar Domingo Santos Chapter 7

however, that the majority of courts do not afford a debtor the absolute right to convert a case to Chapter 13 after a discharge has been obtained. *See, e.g., In re Starling*, 359 B.R. 901, 907-09 (Bankr. N.D. Ill. 2007) (conversion only authorized after vacation of discharge); *In re Hauswirth*, 242 B.R. 95, 96 (Bankr. N.D. Ga. 1999) ("The other courts which have considered that question have all reached the tacit conclusion that a debtor may not convert from Chapter 7 to Chapter 13 and retain the Chapter 7 discharge."); *In re Lesniak*, 208 B.R. 902, 907 (Bankr. N.D. Ill. 1997) (no conversion allowed). Other courts have held that a debtor's right to conversion is not constrained by a discharge. *See, e.g., In re Young*, 237 F.3d 1168 (10th Cir. 2001) (conversion allowed if plan is proposed in good faith).

Two related situations are when a debtor files sequential bankruptcies (i.e. the filing of a Chapter 13 upon the closing of the Chapter 7 case), and when the Debtor attempts to file simultaneous bankruptcies (the filing of a Chapter 13 case while a Chapter 7 case is pending). The former is permissible and is commonly referred to as a Chapter 20 case. *See, e.g., In re Metz*, 67 B.R. 462, 465 (B.A.P. 9th Cir. 1986). The latter appears to be impermissible. *See, e.g., In re Sidebottom*, 430 F.3d 893, 896 (7th Cir. 2005) (*citing Freshman v. Atkins*, 269 U.S. 121 (1925)). The question presented to the Court, and the question considered in *Starling*, considers an approach between these two situations: the conversion of a case prior to closing, but post-discharge.

11 U.S.C. § 109(e) (2010) states:

(e) Only an individual with regular income that owes, on the date of the filing of the petition, noncontingent, liquidated, unsecured debts of less than \$394,725 and noncontingent, liquidated, secured debts of less than \$1,184,200, or an individual with regular income and such individual's spouse, except a stockbroker or a commodity broker, that owe, on the date of the filing of the petition, noncontingent, liquidated, unsecured debts that aggregate less than \$394,725 and noncontingent, liquidated, secured debts of less than \$1,184,200 may be a debtor under chapter 13 of this title.

The issue here is whether § 109(e) requires that a debtor owe any debt. Because Debtors' personal liability has been extinguished by the Chapter 7 discharge, it would not appear that there are any claims that would be subject to a Chapter 13 reorganization plan. "Because the creditors that had their claims discharged in the Chapter 7 no longer have any right to receive payment under a Chapter 13 plan or the right to objection to confirmation, the debtor 'no longer has any meaningful debts to repay pursuant to a Chapter 13 plan.'" *In re Starling*, 359 B.R. at 911 (*citing In re Marcakis*, 254 B.R. 77, 82 (Bankr. E.D.N.Y. 2000)). It is questionable whether a debtor who does not owe any debt is eligible to be a debtor under Chapter 13.

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CONT...

Michael Sevilla Santos and Maricar Domingo Santos

Chapter 7

Furthermore, to allow a conversion in this situation would be to create a loophole that could potentially lead to abuse of the bankruptcy system. *See, e.g., In re Lesniak*, 208 B.R. 902, 906 (Bankr. N.D. Ill. 1997) ("[T]he Court finds that it would be an abuse of process to permit the Debtors to convert to Chapter 13 at this stage of their Chapter 7 case."). If "a debtor converts to Chapter 13 after the Chapter 7 discharge, but before the estate property is liquidated, he has received all of the benefits of Chapter 7 without any of the burdens, because he regains his nonexempt property, and his debts have all been discharged." *In re Rigales*, 290 B.R. 401, 407 (Bankr. N.M. 2003).

Debtors contend that *Marrama* provides a "very narrow" exception to their "absolute" right of conversion. While *Marrama* is noted for establishing the bad faith exception to conversion, it is important to note that *Marrama's* holding was that conversion could be denied when grounds existed to "re-convert" or dismiss the case under 11 U.S.C. §1307(c) (2010):

There are at least two possible reasons why *Marrama* may not qualify as such a debtor, one arising under § 109(e) of the Code, and the other turning on the construction of the word "cause" in § 1307(c). The former provision imposes a limit on the amount of indebtedness that an individual may have in order to qualify for Chapter 13 relief. More pertinently, the latter provision, § 1307(c), provides that a Chapter 13 proceeding may be either dismissed or converted to a Chapter 7 proceeding "for cause" and includes a nonexclusive list of 10 causes justifying that relief. . . . In practical effect, a ruling that an individual's Chapter 13 case should be dismissed or converted to Chapter 7 because of prepetition bad-faith conduct, including fraudulent acts committed in an earlier Chapter 7 proceeding, is tantamount to a ruling that the individual does not qualify as a debtor under Chapter 13. That individual, in other words, is not a member of the class of "honest but unfortunate debtor[s]" that the bankruptcy laws were enacted to protect. The text of § 706(d) therefore provides adequate authority for the denial of his motion to convert.

Marrama v. Citizens Bank of Mass., 549 U.S. 365, 373-74 (2007) (citation omitted). Therefore, *Marrama* concluded that an individual whose potential Chapter 13 case was subject to dismissal or conversion under § 1307(c) was not entitled to a right to convert. Because § 1307(c) provides for conversion or dismissal "for cause", it follows that the Court has the authority to deny conversion "for cause."

"For cause" is an expansive standard and many different findings could lead to a dismissal for cause. *See, e.g., Marrama*, 549 U.S. 365 (abuse of process); *In re Molitor*, 76 F.3d 218 (8th Cir. 1996) ("unfair manipulation of Code"); *Matter of Love*,

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CONT... Michael Sevilla Santos and Maricar Domingo Santos Chapter 7

957 F.2d 1350, 1357 (7th Cir. 1992) (fairness to creditors). "A judge should ask whether the debtor 'misrepresented facts in his [petition or] plan, unfairly manipulated the Bankruptcy Code, or otherwise [filed] his Chapter 13 [petition or] plan in an inequitable manner.'" *In re Eisen*, 14 F.3d 469, 470 (9th Cir. 1994) (quoting *In re Goeb*, 675 F.2d 1386, 1390 (9th Cir. 1982).

The Court agrees with the reasoning presented by the *Starling* court and finds that cause would exist to convert or dismiss a Chapter 13 case that was converted to Chapter 13 post-discharge, prior to closing, when administration of the estate was still occurring. Bankruptcy relief involves a "quid pro quo." See *In re Jeffrey*, 176 B.R. 4, 6 (Bankr. D. Mass. 1994). To obtain a discharge in a Chapter 7 case and then convert the case to Chapter 13 while assets are being administered is unfair to creditors, and is a manipulation and abuse of the Bankruptcy Code. Therefore, cause would exist to convert the case under § 1307(c). It is unclear whether any circumstances would permit conversion of a Chapter 7 case to a Chapter 13 prior to case closing, but, if so, those circumstances are not present here. See *David Guess, Exposing the Convert's Loophole: Postdischarge Conversion as an Abuse of the Bankruptcy Process*, 2005 Ann. Surv. of Bankr. Law 19 (2005) (strongly questioning whether there is a good faith reason to convert to Chapter 13 post-discharge).

Because *Marrama* allows a court to deny conversion "for cause", the Court is inclined to deny the motion to prevent an inequity. In the absence of any direct argument on the issue of post-discharge conversion by Debtors, the Court is inclined to agree with the analysis and concerns presented by the *Starling* court.

TENTATIVE RULING

Subject to discussion regarding any efforts by Debtors to seek to vacate their discharge, the Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

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CONT... Michael Sevilla Santos and Maricar Domingo Santos

Chapter 7

Debtor(s):

Michael Sevilla Santos

Represented By
Jeffrey B Smith

Joint Debtor(s):

Maricar Domingo Santos

Represented By
Jeffrey B Smith

Movant(s):

Maricar Domingo Santos

Represented By
Jeffrey B Smith
Jeffrey B Smith

Michael Sevilla Santos

Represented By
Jeffrey B Smith
Jeffrey B Smith
Jeffrey B Smith

Trustee(s):

Larry D Simons (TR)

Represented By
Larry D Simons (TR)
Wesley H Avery

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Wednesday, December 07, 2016

Hearing Room 303

11:00 AM

6:13-22713 Abel Solorzano and Irma Solorzano

Chapter 7

#12.00 CONT Application for Compensation Third Interim Fee Application of Manatt, Phelps & Phillips, LLP for Allowance and Payment of Compensation and Reimbursement of Expenses for Professional Services Rendered as Trustee's Counsel, Under 11 U.S.C. §§ 327, 330 and 331 (Period Covered - May 20, 2015 Through August 29, 2016); and Declarations of Howard Grobstein and Ivan L. Kallick in Support Thereof for Ivan L Kallick, Trustee's Attorney, Period: 5/20/2015 to 8/29/2016, Fee: \$290,992.50, Expenses: \$2,727.32.

From: 11/16/16

EH__

Docket 436

Tentative Ruling:

BACKGROUND

On July 25, 2013, Abel & Irma Solorzano ("Debtors") filed a Chapter 13 voluntary petition. On September 12, 2013, the case was converted to Chapter 7. On November 20, 2013, Howard Grobstein ("Trustee") filed an application to employ Manatt, Phelps & Phillips, LLP ("Manatt") as counsel to Trustee. An order was entered authorizing such employment on December 16, 2013, effective November 20, 2013. Manatt filed a first interim fee application on June 13, 2014, seeking approximately \$337,000 in expenses and fees. On June 25, 2014, Debtors filed an objection. On July 10, 2016, the Court granted the application in a reduced amount of approximately \$210,000. On September 11, 2015, Manatt filed a second interim fee application seeking approximately \$207,000. Debtors filed opposition on September 23, 2015. On November 4, 2015, the Court granted the application in the reduced amount of approximately \$186,000.

On October 21, 2016, Manatt filed a third interim fee application, seeking approximately \$293,719.82. No objection has yet been filed. The Court notes that Manatt initially failed to comply with Local Rule 2016-1(a)(2)(B) by failing to serve notice on the 20 largest unsecured creditors, which was cured by amended notice.

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CONT... Abel Solorzano and Irma Solorzano

Chapter 7

DISCUSSION

In accordance with 11 U.S.C. § 330(a)(2) (2005), the Court has an independent duty to review the fee application in the absence of objections. "The applicant always has the burden of proof of justifying the requested fees." Ginsberg & Martin on Bankruptcy § 4.06 (5th ed.). The court "will not indulge in extensive labor and guesswork to justify a fee for an attorney who has not done so himself." *In re Taylor*, 66 B.R. 390 (Bankr. W.D. Pa. 1986). In accordance with 11 U.S.C. § 330(a)(1), the Court may award compensation for actual, necessary services.

Based on its review of the Fee Application, the Court notes that they are numerous entries that appear to be excessive under the circumstances, are vague, are unnecessary, or are simply implausible. The Court notes the following representative list of problematic entries:

- 1) *Lumping*: 4/12/16 (5.7 hours) "Consideration with Trustee and Brokers of issues related to failure of escrow to close and need to initiate sale of house due to lack of cooperation by Debtors and escrow; research regarding cases evidencing Chapter 7 debtors."

The above entry is both unclear and includes lumping. It is not clear what the second fragment could even refer to. Ultimately, this entry appears to bill \$3847.50 for consideration of issues when it is not at all clear what work was actually done.

- 2) *Unclear Entries*: 1/4/16, 1/14/16, and 2/2/16 (total 16.8 hours) "(1) Detailed investigation of pending escrow and its terms sufficient to close settlement on February 28, 2016 as possible contemplations of settlement order; (2) Gather detailed information about what appears to be fraudulent/non-existent sale/refinance; (3) Further investigate escrow instructions and issues relative to family home sale to son/daughter and which it would use/pay trustee."

The most that the Court can ascertain from the above entries is that timekeeper spent nearly 17 hours investigating information related to escrow. What those issues are, what information was involved, and whether that investigation was

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CONT... **Abel Solorzano and Irma Solorzano**
reasonable or necessary is unclear.

Chapter 7

- 3) *Excessive Investigation*: 11/4/15 and 2/3/16 (total 6 hours): "(1) Review of rental values of Diamond home in likely event of failure to meet December 28, 2015 deadline; (2) Investigate rental value issues beyond February 28, 2016."

The Court cannot ascertain how six hours, and over \$4000 in billed fees, could be attributed to investigation of rental values.

- 4) *Vague*: 4/19/16 (2.7 hours): "Consider next steps in case if escrow does not close."

The Court cannot determine whether any work was actually done in relation to this entry, and entries that contain similar language.

- 5) *Excessiveness*: 7/6/16 (1.1 hours): "Telephonic hearing on OSC regarding contempt on settlement."

The Court's records show that this hearing took one minute and forty-four seconds. The hearing began approximately twelve minutes after the commencement of the Court's calendar.

- 6) *Excessiveness, Example 2*: 5/3/16-5/4/16 (total 3.7 hours): On May 3, 2016, Tyree Oil, Inc. filed a routine relief from stay motion. Timekeeper billed 0.7 hours to review the motion, 1.6 hours to review the declarations and exhibits, 0.2 hours to review the notice, and 0.9 hours to draft a non-opposition. The non-opposition, in its entirety, required Manatt to check a box that said

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Abel Solorzano and Irma Solorzano

Chapter 7

"trustee" and another that said "non-opposition."

- 7) *Excessiveness, Example 3: 5/13/16-5/26/16:* First, it appears that timekeeper billed 10.5 hours for drafting a motion for issuance of an OSC. The motion itself is approximately four pages, half which is a quotation from a court order, and includes no legal analysis. There is then a two page routine declaration of the Trustee and exhibits. Second, timekeeper then appears to have billed 1.6 hours for drafting the required notices for the hearing. Third, timekeeper appears to have billed 4.1 hours for preparation for the hearing. Finally, it appears that 2.9 hours are billed for drafting the OSC itself. All of these entries are grossly excessive.
- 8) *Excessiveness, Example 4: 9/10/15-10/21/15:* After concluding mediation with Judge Jury, Manatt worked on a motion to approve compromise under Rule 9019. The motion itself was relatively substantial, although not substantial enough to explain 24.9 billable hours. More egregious, however, is that after receiving a response from Debtors, Manatt created a reply. The reply contained a two-page declaration of Trustee and an exhibit (court records). The two-page declaration contained no legal analysis and was extremely basic. Timekeeper appears to have billed 10.1 hours to draft this two-page declaration. He additionally appears to have billed 14.4 hours in connection with the actual hearing and the drafting of the order.

The entirety of the fee application is plagued with the above problems: excessiveness, vagueness, lack of clarity, and, occasionally, lumping. While the above examples are an appropriate sample to demonstrate the inadequacy of the fee application, the table below identifies each time entry that the Court takes issue with and which category it is disallowed under.

TENTATIVE RULING

Based on the below chart of objectionable time entries, the Court is inclined to GRANT the motion to the extent of \$81,337.50 and DENY the motion to the extent of

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CONT... Abel Solorzano and Irma Solorzano
\$209,655.

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Abel Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Joint Debtor(s):

Irma Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Movant(s):

Howard B Grobstein (TR)

Represented By
Ivan L Kallick

Trustee(s):

Howard B Grobstein (TR)

Represented By
Ivan L Kallick

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6:13-25113 Jonathan W. Alwine and Amanda M. Alwine

Chapter 7

#13.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 190

Tentative Ruling:

TENTATIVE RULING

12/7/2016

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 17888.33

Trustee Expenses: \$ 2161.12

Attorney Fees: \$ 30,937

Attorney Costs: \$ 2793.95

Accountant Fees: \$ 1588.50

Accountant Costs: \$ 244.30

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Jonathan W. Alwine

Represented By
Daniel C Sever

Joint Debtor(s):

Amanda M. Alwine

Represented By

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CONT...

Jonathan W. Alwine and Amanda M. Alwine

Daniel C Sever

Chapter 7

Trustee(s):

Charles W Daff (TR)

Represented By
Thomas H Casey
Steve Burnell

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Hearing Room 303

11:00 AM

6:14-13158 Mina Chung

Chapter 7

#14.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 42

Tentative Ruling:

TENTATIVE RULING

12/7/2016

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 2250
Trustee Expenses: \$ 255.85

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Mina Chung

Represented By
Jong Y Kim
Eric M Sasahara

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 303

11:00 AM

6:14-23349 Edith Belinda Sandoval

Chapter 7

#15.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 25

Tentative Ruling:

TENTATIVE RULING

12/7/2016

No opposition has been filed.

Notice was improper

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 900

Trustee Expenses: \$ 58.78

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Edith Belinda Sandoval

Represented By
Nicholas M Wajda

Trustee(s):

John P Pringle (TR)

Pro Se

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Hearing Room 303

11:00 AM

6:14-23980 Stephen Victor Sanchez

Chapter 7

#16.00 Notice of Trustee's Final Report and Applications for Compensation.

EH__

Docket 61

Tentative Ruling:

TENTATIVE RULING

12/7/2016

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 2250

Trustee Expenses: \$ 163.41

Accountant Fees: \$ 1529

Accountant Costs: \$ 225.50

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Stephen Victor Sanchez

Represented By
Yoon O Ham

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:15-16613 Kenneth Edward Peardon

Chapter 7

#17.00 Motion to Sell Property of the Estate Free and Clear of Liens under Section 363 (f) - Motion for Order: (1) Authorizing Sale of Real Property Free and Clear of Liens; (2) Approving Overbid Procedure; (3) Approving Payment of Real Estate Brokers' Commissions; and (4) Finding Purchasers are Good Faith Purchasers

EH__

Docket 58

Tentative Ruling:

12/07/16

BACKGROUND

On June 30, 2015, Kenneth Peardon ("Debtor") filed a Chapter 7 voluntary petition. On January 14, 2016, Debtor received a discharge. On January 26, 2016, Trustee filed a complaint against Lisa Peardon and Kasey Van Lant (collectively, "Defendants") to avoid and recover a fraudulent transfer of real property located at 23440 Margarth St., Perris, CA 92570 ("the Property"). On June 28, 2016, Defendants and Trustee settled the adversary proceeding, entitling the Trustee to list the Property for sale, subject to certain conditions stipulated to in the settlement agreement.

On July 12, 2016, Trustee filed an application to employ Keller Williams Realty & KW Commercial as a real estate broker; that application was granted on August 4, 2016. On November 16, 2016, Trustee filed a motion for an order: (1) authorizing sale of real property free and clear of liens; (2) approving overbid procedure; (3) approving payment of real estate brokers' commissions; and (4) finding purchasers are good faith purchasers. No opposition has been filed as of yet.

FACTUAL BACKGROUND:

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CONT... Kenneth Edward Peardon

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On September 7, 2011, the Ortego Living Trustee transferred the Property to Lisa Peardon ("Lisa"), who concurrently transferred the Property to Kasey Van Lant ("Kasey"). In 2013, Defendants decided to build a residence on the Property. Debtor borrowed \$165,000 from Gary Van Aken ("Van Aken") on an unsecured basis. The funds are believed to have been directed towards construction of the residence on the Property. At the time Debtor took out a loan from Van Aken, it appears that the Property was the separate property of Kasey. Kasey ultimately borrowed \$189,000 during 2014 from two different lenders; the loans were secured by two different deeds of trust.

On May 13, 2015, Kasey quitclaimed her interest in the Property to Lisa. Therefore, according to Trustee, Lisa was the legal owner of the Property at the time of the filing of the petition.

The Trustee proposes a sale of the property to Jose Garcia and Robert French for \$310,000 on an as-is basis, with a brokers' commission of six percent. Trustee identifies five lienholders from a preliminary title report dated September 8, 2016: (1) Glenn Giardinell & Caroline Marchese; (2) Andrew & Edmund Loeffler; (3) Van Aken; (4) Robertson's Ready Mix, Ltd. ("RRM"); (5) Tax Collector of Riverside County. Trustee proposes overbid procedures that allow for overbids if a \$31,000 deposit is made with Trustee seven days in advance and the overbid is at least \$10,000 more than the purchase price.

DISCUSSION

I. Sale of Estate Property

11 U.S.C. § 363(b)(1) provides for a Trustee to sell property of the estate outside of the ordinary course, after notice and a hearing. A sale pursuant to § 363(b) requires a demonstration that the sale has a valid business justification. *In re 240 North Brand Partners, Ltd.*, 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996). "In approving any sale outside the ordinary course of business, the court must not only articulate a sufficient business reason for the sale, it must further find it is in the best interest of the estate, i.e. it is fair and reasonable, that it has been given adequate marketing, that it has been negotiated and proposed in good faith, that the purchaser is proceeding in good faith, and that it is an "arms-length" transaction." *In re Wilde Horse Enters., Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal.).

The Trustee asserts that the sale price represents the fair market value of the

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CONT... Kenneth Edward Peardon

Chapter 7

property and the estate will receive approximately \$62,957.15 and, therefore, sound business reasons exist for the sale. Because the Trustee has not established that the lien of RRM is in *bona fide* dispute (see Section II., *infra*), the sale price will not generate any proceeds for the estate. Therefore, in the absence of any benefit to the estate, the Court cannot find that there are sound business reasons for the sale.

II. Sale Free & Clear of Liens

11 U.S.C. § 363(f) (2010) states:

(f) The trustee may sell property under subsection (b) or (c) of this section free and clear of any interest in such property of an entity other than the estate, only if-

- (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- (2) such entity consents;
- (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
- (4) such interest is in bona fide dispute; or
- (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

The Trustee contends that the liens of RRM and Van Aken are invalid, and, therefore, in bona fide dispute. Van Aken recorded a *lis pendens* after Debtor failed to timely repay the loan. Trustee contends that: (1) Van Aken recorded the *lis pendens* against property which Debtor never had title to; and (2) California law only allows a *lis pendens* to be recorded in connection with a real property claim.

Cal Code. Civ. Proc. § 405.20 states: "A party to an action who asserts a real property claim may record a notice of pendency of action in which that real property claim is alleged." Cal. Code. Civ. Proc. § 405.04 defines a real property claim as a claim which would "affect (a) title to, or the right to possession of, specific real property or (b) the use of an easement identified in the pleading, other than an

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easement obtained pursuant to statute by any regulated public utility." As Trustee notes, Van Aken filed a state court action for (1) breach of promissory note and (2) common count. This action does not fit the statutory requirement for a real property claim and, therefore, the Trustee has established a *bona fide* dispute with regard to Van Aken's interest.

The Trustee asserts that RRM recorded an abstract of judgment against the Debtor on March 25, 1997. Trustee asserts that Debtor did not have title to the Property on the date of the recording, and, therefore, RRM is a general unsecured creditor. This appears incorrect. Cal. Code Civ. Proc. § 697.340(b) states: "If any interest in real property in the county on which a judgment lien could be created under subdivision (a) is acquired after the judgment lien was created, the judgment lien attaches to such interest at the time it is acquired." *See also In re Imagine Fulfillment Servs., LLC*, 489 B.R. 136, 152 (Bankr. C.D. Cal. 2013). The question then becomes whether Debtor had attachable property as of the date of petition. *See, e.g., In re Thomas*, 102 B.R. 199 (Bankr. E.D. Cal. 1989). As noted in Trustee's complaint filed January 26, 2016, it appears that Lisa owned the Property at the date of the petition as community property, and, therefore, the Property was liable for allowable claims against Debtor.

The Court notes, moreover, that Cal. Code Civ. Pro. § 697.310(b) states: "Unless the money judgment is satisfied or the judgment lien is released, subject to Section 683.180 (renewal of judgment), a judgment lien created under this section continues until 10 years from the date of entry of the judgment." The preliminary title report produced by Trustee indicates that the judgment lien was renewed on April 25, 2007. Therefore, the lien has not expired, and Trustee has not established the existence of a *bona fide* dispute.

Regarding the other three liens, the Trustee argued that § 363(f)(3) allowed the Trustee to sell free and clear of the three liens because their aggregate value was less than the proposed sale price of the property. While this is true, Trustee has failed to establish that the RRM lien is in *bona fide* dispute. The addition of this lien causes the value of the liens on the property to exceed the proposed sale price of the statute, and, therefore, Trustee's reliance on § 363(f)(3) is no longer appropriate.

III. Good Faith Purchasers

11 U.S.C. § 363(m) states:

(m) The reversal or modification on appeal of an authorization under

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subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale or lease under such authorization to an entity that purchased or leased such property in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and such sale or lease were stayed pending appeal.

The Trustee has provided sufficient evidence to demonstrate that the proposed sale was not procured through fraud or collusion. *See generally In re Berkeley Del. Court, LLC*, 834 F.3d 1036 1041 (9th Cir. 2016) ("The bankruptcy court found that the agreement 'was the product of an arms-length negotiation between the Trustee and First-Citizens and entered into by the parties without collusion and in good faith.' This good faith finding was supported by a declaration of the Trustee in which he stated that he met with counsel for Debtor and First-Citizens to investigate the parties' claims and explore settlement options.").

TENTATIVE RULING

Trustee to discuss ability to sell free and clear of RRM lien.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Kenneth Edward Peardon

Represented By
Javier H Castillo

Movant(s):

Todd A. Frealy (TR)

Represented By
Lindsey L Smith
Levene Neale Bender Yoo & Brill LLP
Irving M Gross
Anthony A Friedman

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CONT... Kenneth Edward Peardon

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Trustee(s):

Todd A. Frealy (TR)

Represented By

Lindsey L Smith

Levene Neale Bender Yoo & Brill LLP

Irving M Gross

Anthony A Friedman

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11:00 AM

6:15-20367 Silvia Liliana Ramirez

Chapter 7

#18.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 24

Tentative Ruling:

TENTATIVE RULING

12/07/2016

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 1315.59

Trustee Expenses: \$ 44.67

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Silvia Liliana Ramirez

Represented By
Yoon O Ham

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:16-15351 Juan Vaca Diaz

Chapter 7

#19.00 Motion for fine and/or disgorgement of fees against bankruptcy petitioner
Notice of Motion and Motion of United States Trustee for an Order Disgorging
Fees, Assessing Damages, and Imposing Fines Against Bankruptcy Petition
Preparers Manuel Pablo and Empire Desert Associates Pursuant to 11 U.S.C. §
110

EH__

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Vaca Diaz

Represented By
Edgar P Lombera

Movant(s):

United States Trustee (RS)

Represented By
Abram Feuerstein esq

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:16-18842 Roderick E Clignett

Chapter 7

#20.00 Motion to: (1) Dismiss Involuntary Bankruptcy Petition Under FRCP 12: or in the alternative (2) Set Bond

Also #21

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roderick E Clignett

Represented By
Robert M Aronson

Movant(s):

Roderick E Clignett

Represented By
Robert M Aronson
Robert M Aronson
Robert M Aronson

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6:16-18842 Roderick E Clignett

Chapter 7

#21.00 Status Conference RE: [1] Chapter 7 Involuntary Petition Against an Individual

Also #20

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roderick E Clignett

Represented By
Robert M Aronson

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Hearing Room 303

2:00 PM

6:12-27339 Joseph Wiggins

Chapter 7

Adv#: 6:16-01087 Cuzzolina v. Wiggins et al

#22.00 CONT Status Conference RE: Complaint by James D Cuzzolina against Joseph Wiggins , Linda Jean Wiggins . false pretenses, false representation, actual fraud)) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury))

From: 6/1/16, 9/28/16, 11/2/16

EH__

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 11/21/16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Wiggins

Represented By
Robert J Curtis
Todd L Turoci

Defendant(s):

Linda Jean Wiggins

Represented By
Todd L Turoci

Joseph Wiggins

Represented By
Todd L Turoci

Joint Debtor(s):

Linda Jean Wiggins

Represented By
Robert J Curtis
Todd L Turoci

Plaintiff(s):

James D Cuzzolina

Represented By
Arsany Said

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CONT... Joseph Wiggins

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

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2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01236 Revere Financial Corporation v. Clark

#23.00 Status Conference RE: [1] Adversary case 6:16-ap-01236. Complaint by Revere Financial Corporation against Ramona Richli Clark. (Recovery of money/property - 542 turnover of property, (Recovery of money/property - other.

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Ramona Richli Clark

Represented By
Misty A Perry Isaacson

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

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6:14-17899 Gregory William Hewitt

Chapter 7

Adv#: 6:16-01235 Grobstein v. Hewitt

#24.00 Status Conference RE: Adversary 6:16-AP-01235-MH Complaint by Howard B. Grobstein against Pamela Hewitt. Complaint: For Declaratory Relief; For Authority to Sell Real Property in Which Non-Debtor Asserts an Interest; For an Accounting; For Turnover of Property of the Estate; and, To Avoid and Recover Fraudulent Transfers Nature of Suit: (91 (Declaratory judgment, (Approval of sale of property of estate and of a co-owner - 363(h) (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy (11 (Recovery of money/property - 542 turnover of property

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory William Hewitt

Represented By
Annie Verdries

Defendant(s):

Pamela Hewitt

Represented By
Annie Verdries

Plaintiff(s):

Howard B. Grobstein

Represented By
Michael W Davis
Nina Z Javan

Trustee(s):

Howard B Grobstein (TR)

Represented By
Michael W Davis

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CONT...

Gregory William Hewitt

David Seror
Reed Bernet

Chapter 7

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Hearing Room 303

2:00 PM

6:15-16301 Audrey Zumwalt

Chapter 7

Adv#: 6:15-01270 Maradiaga, Sr et al v. Zumwalt

#25.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01270. Complaint by Julio Maradiaga Sr, Kathleen Maradiaga against Audrey Zumwalt . false pretenses, false representation, actual fraud)) ,(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury))

From: 12/2/15, 3/30/16, 4/6/16, 7/27/16, 11/30/16

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Audrey Zumwalt

Represented By
Javier H Castillo

Defendant(s):

Audrey Zumwalt

Represented By
Javier H Castillo
Mario Alvarado

Plaintiff(s):

Kathleen Maradiaga

Represented By
Mario Alvarado

Julio Maradiaga Sr

Represented By
Mario Alvarado

Trustee(s):

Robert Whitmore (TR)

Pro Se

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CONT... Audrey Zumwalt

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Hearing Room 303

2:00 PM

6:15-21808 Clifford Patrick Johnson

Chapter 7

Adv#: 6:16-01122 Johnson v. NELNET LOAN SERVICES INC et al

#26.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01122. Complaint by Clifford Patrick Johnson against NELNET LOAN SERVICES INC Nature of Suit: (63 (Dischargeability - 523(a)(8), student loan))

From: 7/6/16, 10/5/16

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clifford Patrick Johnson	Pro Se
--------------------------	--------

Defendant(s):

Educational Credit Management	Represented By Timothy P Burke
NELNET LOAN SERVICES INC	Pro Se

Plaintiff(s):

Clifford Patrick Johnson	Pro Se
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Trustee(s):

John P Pringle (TR)	Pro Se
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**United States Bankruptcy Court
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Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

6:16-14026 Victor Manuel Monterroso

Chapter 7

Adv#: 6:16-01205 Grivas Sr v. Monterroso et al

#27.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01205. Complaint by William L Grivas Sr against Maria Hilda Monterroso , Victor Manuel Monterroso . (d),(e)) ,(14 (Recovery of money/property - other)) ,(62 (Dischargeability - 523 (a)(2), false pretenses, false representation, actual fraud))

From: 10/5/16

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/4/17 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Manuel Monterroso

Represented By
Timothy S Huyck

Defendant(s):

Victor Manuel Monterroso

Pro Se

Maria Hilda Monterroso

Pro Se

Joint Debtor(s):

Maria Hilda Monterroso

Represented By
Timothy S Huyck

Plaintiff(s):

William L Grivas Sr

Pro Se

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

6:14-17400 J. T. Site Development, Inc.

Chapter 7

Adv#: 6:15-01244 Simons v. Zaborniak, Jr.

#28.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01244. Complaint by Larry D Simons against Stanley John Zaborniak Jr.. (Charge To Estate \$350.00). with Adversary Cover Sheet and Summons Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Ruggier, Frank)

From: 12/16/15, 2/24/16, 5/25/16, 9/28/16

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 11/22/16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

J. T. Site Development, Inc.

Represented By
Andrew S Bisom

Defendant(s):

Stanley John Zaborniak Jr.

Pro Se

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

6:14-17400 J. T. Site Development, Inc.

Chapter 7

Adv#: 6:15-01245 Simons v. Liberty Glass & Metal, Inc., a California Corporat

#29.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01245. Complaint by Larry D Simons against Liberty Glass & Metal, Inc., a California Corporation. (Charge To Estate \$350.00). with Adversary Cover Sheet and Summons Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Ruggier, Frank)
HOLDING DATE

From: 12/16/15, 2/24/16, 5/25/16, 9/28/16

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 11/22/16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

J. T. Site Development, Inc.

Represented By
Andrew S Bisom

Defendant(s):

Liberty Glass & Metal, Inc., a

Pro Se

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

6:14-17400 J. T. Site Development, Inc.

Chapter 7

Adv#: 6:15-01247 Simons v. City Service Contracting, Inc. a California Corp.

#30.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01247. Complaint by Larry D Simons against City Service Contracting, Inc. a California Corp.. (Charge To Estate \$350.00). with Adversary Cover Sheet and Summons Nature of Suit: (12 (Recovery of money/property - 547 preference))

From: 10/28/15, 1/27/16, 4/6/16, 10/5/16

EH__

Docket 1

***** VACATED *** REASON: ORDER DISMISSING ADVERSARY
FILED 11/30/2016**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

J. T. Site Development, Inc.

Represented By
Andrew S Bisom

Defendant(s):

City Service Contracting, Inc. a

Represented By
Scott A Kron

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

6:14-17400 J. T. Site Development, Inc.

Chapter 7

Adv#: 6:15-01239 Simons v. Lennox Industries, Inc.

#31.00 CONT Status Conference Re: Complaint by Larry D Simons against Lennox Industries Inc. Nature of Suit: 12 - Recovery of money/property - 547 preference

From: 10/28/15, 1/27/16, 4/6/16, 10/5/16

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

J. T. Site Development, Inc.

Represented By
Andrew S Bisom

Defendant(s):

Lennox Industries, Inc.

Represented By
Alana K Ackels

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

6:14-17400 J. T. Site Development, Inc.

Chapter 7

Adv#: 6:15-01242 Simons v. PDQ Enterprises, Inc., a California Corp.

#32.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01242. Complaint by Larry D Simons against PDQ Enterprises, Inc., a California Corp.. (Charge To Estate \$350.00). with Adversary Cover Sheet and Summons Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Ruggier, Frank)

From: 12/16/15, 3/9/16, 4/6/16, 5/25/16, 9/28/16

EH__

Docket 1

***** VACATED *** REASON: VACATED PER STIPULATED ORDER
ENT 11/30/2016**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

J. T. Site Development, Inc.

Represented By
Andrew S Bisom

Defendant(s):

PDQ Enterprises, Inc., a California

Pro Se

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

6:14-17350 Dean L. Springer, Sr.

Chapter 7

Adv#: 6:16-01145 Simons v. Kussoy

#33.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01145. Complaint by Larry D Simons against Chaz Kussoy (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

From: 9/7/16

EH __

Docket 1

***** VACATED *** REASON: ORDER DISMISSING ADVERSARY
FILED 10/26/16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean L. Springer Sr.	Pro Se
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Defendant(s):

Chaz Kussoy	Pro Se
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Joint Debtor(s):

Tami Jo Springer	Pro Se
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Plaintiff(s):

Larry D Simons	Represented By Sarah Cate Hays D Edward Hays
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Trustee(s):

Larry D Simons (TR)	Represented By
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

CONT...

Dean L. Springer, Sr.

Chapter 7

Richard A Marshack
Sarah Cate Hays
D Edward Hays
Ashley M Teesdale

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

6:14-17350 Dean L. Springer, Sr.

Chapter 7

Adv#: 6:16-01138 Simons v. Intermodal Wealth, Inc.

#34.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01138. Complaint by Larry D Simons against Intermodal Wealth, Inc. (12 (Recovery of money/property - 547 preference)), (13 (Recovery of money/property - 548 fraudulent transfer)), (14 (Recovery of money/property - other))

From: 9/7/16

EH __

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean L. Springer Sr.	Pro Se
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Defendant(s):

Intermodal Wealth, Inc.	Pro Se
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Joint Debtor(s):

Tami Jo Springer	Pro Se
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Plaintiff(s):

Larry D Simons	Represented By Sarah Cate Hays D Edward Hays
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Trustee(s):

Larry D Simons (TR)	Represented By Richard A Marshack Sarah Cate Hays
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

CONT...

Dean L. Springer, Sr.

D Edward Hays
Ashley M Teesdale

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

6:14-17350 Dean L. Springer, Sr.

Chapter 7

Adv#: 6:16-01139 Simons v. BlueCoast Investments, Ltd.

#35.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01139. Complaint by Larry D Simons against BlueCoast Investments, Ltd. (12 (Recovery of money/property - 547 preference)), (13 (Recovery of money/property - 548 fraudulent transfer)), (14 (Recovery of money/property - other)), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

From: 9/7/16

EH __

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean L. Springer Sr.	Pro Se
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Defendant(s):

BlueCoast Investments, Ltd.	Pro Se
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Joint Debtor(s):

Tami Jo Springer	Pro Se
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Plaintiff(s):

Larry D Simons	Represented By Sarah Cate Hays D Edward Hays
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Trustee(s):

Larry D Simons (TR)	Represented By
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

CONT...

Dean L. Springer, Sr.

Chapter 7

Richard A Marshack
Sarah Cate Hays
D Edward Hays
Ashley M Teesdale

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

6:14-17350 Dean L. Springer, Sr.

Chapter 7

Adv#: 6:16-01140 Simons v. Lindgren

#36.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01140. Complaint by Larry D Simons against Charles Lindgren (12 (Recovery of money/property - 547 preference)), (13 (Recovery of money/property - 548 fraudulent transfer)), (14 (Recovery of money/property - other)), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

From: 9/7/16

EH __

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean L. Springer Sr.	Pro Se
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Defendant(s):

Charles Lindgren	Pro Se
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Joint Debtor(s):

Tami Jo Springer	Pro Se
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Plaintiff(s):

Larry D Simons	Represented By Sarah Cate Hays D Edward Hays
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Trustee(s):

Larry D Simons (TR)	Represented By Richard A Marshack
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

CONT...

Dean L. Springer, Sr.

Chapter 7

Sarah Cate Hays
D Edward Hays
Ashley M Teesdale

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

6:14-17350 Dean L. Springer, Sr.

Chapter 7

Adv#: 6:16-01143 Simons v. Caffery Financial, inc. et al

#37.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01143. Complaint by Larry D Simons against Caffery Financial, inc., Joe G. Caffery, Kim Caffery, Caffery Family Trust (13 (Recovery of money/property - 548 fraudulent transfer)), (14 (Recovery of money/property - other)), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

From: 9/7/16

EH __

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/17/17 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean L. Springer Sr.	Pro Se
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Defendant(s):

Kim Caffery	Pro Se
Caffery Family Trust	Pro Se
Caffery Financial, inc.	Pro Se
Joe G. Caffery	Pro Se

Joint Debtor(s):

Tami Jo Springer	Pro Se
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Plaintiff(s):

Larry D Simons	Represented By Sarah Cate Hays D Edward Hays
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

CONT... Dean L. Springer, Sr.

Chapter 7

Trustee(s):

Larry D Simons (TR)

Represented By
Richard A Marshack
Sarah Cate Hays
D Edward Hays
Ashley M Teesdale

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

6:14-17350 Dean L. Springer, Sr.

Chapter 7

Adv#: 6:16-01144 Simons v. Chathan Law Group

#38.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01144. Complaint by Larry D Simons against Chathan Law Group (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

From: 9/7/16

EH __

Docket 1

***** VACATED *** REASON: CONTINUED TO 2/8/17 AT 2:00 PM PER
ALIAS SUMMONS ISSUED 12/1/16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean L. Springer Sr.	Pro Se
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Defendant(s):

Chathan Law Group	Pro Se
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Joint Debtor(s):

Tami Jo Springer	Pro Se
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Plaintiff(s):

Larry D Simons	Represented By Sarah Cate Hays D Edward Hays
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Trustee(s):

Larry D Simons (TR)	Represented By
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 07, 2016

Hearing Room 303

2:00 PM

CONT...

Dean L. Springer, Sr.

Chapter 7

Richard A Marshack
Sarah Cate Hays
D Edward Hays
Ashley M Teesdale